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UNITED STATES OF AMERICA

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 24 2004

at 1<sup>00</sup> o'clock and 00 min. 12 M  
WALTER A. Y. H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,	)	CR. NO. 04-0026 DAE
	)	
Plaintiff,	)	FIRST SUPERSEDING INDICTMENT
	)	
vs.	)	Counts 1-4: 18 U.S.C. § 1951
	)	Count 5: 18 U.S.C. § 924(c)
RORY KEALII SITANI,	(01) )	
HEKESI FOLAUMAHINA,	(02) )	
	)	
Defendants.	)	
	)	

FIRST SUPERSEDING INDICTMENT

SCANNED

COUNT 1

(18 U.S.C. § 1951)  
(conspiracy to commit robberies)

The Grand Jury charges that:

From on or about a date unknown to the Grand Jury, but at least since June 21, 2003, and continuing thereafter until at least December 16, 2003, in the District of Hawaii, the defendants RORY KEALII SITANI and HEKESI FOLAUMAHINA and at least two other individuals, including a juvenile with the initials J.S., knowingly, and willfully conspired with each other to obstruct and affect commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, by robbing Seven-Eleven stores in the District of Hawaii in that:

(1) on June 21, 2003, defendants SITANI and FOLAUMAHINA as well as the juvenile J.S. robbed a Seven-Eleven store located at 1755 Nuuanu Avenue as further described in Count 2 of this First Superseding Indictment and incorporated herein by reference;

(2) on June 22, 2003, defendant FOLAUMAHINA and another individual robbed a Seven-Eleven store located at 1900 Dillingham Blvd. as further described in Count 3 of this First Superseding Indictment and incorporated herein by reference;

(3) on December 16, 2003, defendants SITANI and FOLAUMAHINA as well as the juvenile J.S. and a fourth individual robbed a Seven-Eleven store located at 99-187 Aiea Heights Drive, as further described in Count 4 of this First Superseding Indictment and incorporated herein by reference.

All in violation of Title 18, United States Code,  
Section 1951.

COUNT 2  
(18 U.S.C. § 1951)  
(robbery)

The Grand Jury further charges that:

On or about June 21, 2003, in the District of Hawaii, the defendants RORY KEALII SITANI and HEKESI FOLAUMAHINA and a juvenile with the initials J.S. did unlawfully, knowingly, and willfully obstruct and affect, and attempt to obstruct and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendants did unlawfully, knowingly, and willfully take and obtain personal property consisting of beer and cigarettes from the persons and in the presence of T.Y., D.V., and E.O., who were employees of Seven-Eleven, Hawaii, Inc., at their store located at 1755 Nuuanu Avenue in the District of Hawaii, which was engaged in commerce, against their will by means of actual force used on T.Y.

All in violation of Title 18, United States Code,  
Section 1951.

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COUNT 3  
(18 U.S.C. § 1951)  
(robbery)

The Grand Jury further charges that:

On or about June 22, 2003, in the District of Hawaii, the defendant HEKESI FOLAUMAHINA and another individual did unlawfully, knowingly, and willfully obstruct and affect, and attempt to obstruct and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendant and the other individual did unlawfully, knowingly, and willfully take and obtain personal property consisting of money and merchandise from the persons and in the presence of S.S. and J.G., who were employees of Seven-Eleven, Hawaii, Inc., at their store located at 1900 Dillingham Blvd., which was engaged in commerce, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons.

All in violation of Title 18, United States Code,  
Section 1951.

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COUNT 4  
(18 U.S.C. § 1951)  
(robbery)

The Grand Jury further charges that:

On or about December 16, 2003, in the District of Hawaii, the defendants RORY KEALII SITANI and HEKESI FOLAUMAHINA, as well as a juvenile with the initials J.S. and a fourth individual did unlawfully, knowingly, and willfully obstruct and affect, and attempt to obstruct and affect, commerce as that term is defined in Title 18, United States Code, Section 1951, and the movement of articles and commodities in such commerce, by robbery as that term is defined in Title 18, United States Code, Section 1951, in that the defendants did unlawfully, knowingly, and willfully take and obtain personal property consisting of money, alcoholic beverages, cigarettes, and other goods from the persons and in the presence of K.T. and E.S., who were employees of Seven-Eleven, Inc., at their store located at 99-187 Aiea Heights Drive, which was engaged in commerce, against their will by means of actual and threatened force, violence, and fear of injury, immediate and future, to their persons.

All in violation of Title 18, United States Code,  
Section 1951.

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COUNT 5

(18 U.S.C. § 924(c)(1)(A)(ii))  
(use of and carrying a firearm during  
and in relation to a crime of violence)

The Grand Jury further charges:

On or about December 16, 2003, in the District of Hawaii, the defendants RORY KEALII SITANI and HEKESI FOLAUMAHINA did knowingly and intentionally use and carry, and aid and abet the use and carry of, a firearm during and in relation to a crime of violence, to wit, conspiracy to commit robbery as charged in Count 1 of this Indictment and robbery as charged in Count 4 of this Indictment.

All in violation of Title 18, United States Code, Section 924(c)(1)(A)(ii).


DATED: June 24, 2004, at Honolulu, Hawaii.


A TRUE BILL

/s/

FOREPERSON, GRAND JURY

EDWARD H. KUBO, JR.  
United States Attorney  
District of Hawaii

  
RONALD G. JOHNSON  
Assistant U.S. Attorney

  
MARSHALL H. SILVERBERG  
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UNITED STATES v. RORY KEALII SITANI and HEKESI FOLAUMAHINA,  
Cr. No. 04-0026 DAE (First Superseding Indictment)